

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JULY 1, 2008

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Commissioner Sturtz and Commissioner Guthrie. Also in attendance was Superintendent Huskey.

Jeff McKean, Deb Scott, Nicole Upano, Trevor Vance, Brad Klopfenstein, Marc Carmichael, and Mark Webb were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the June 17, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Commissioner Guthrie moved to approve the parties agreed disposition forms that were submitted for the July 1, 2008 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred ninety-seven (397) renewals approved, forty-eight (48) new and/or transfer permits approved, four (4) permits approved for catering, three (3) permits approved for first year escrow, three (3) permits approved for second year escrow, and one (1) permit approved for fourth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Guthrie moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR91-10315 COUSERT, INC. – Chairman Heath noted this is a type 210 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board voted to deny, but a transfer of ownership was later filed and approved by the local board.

Commissioner Guthrie moved to overturn the local board and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR91-10315 CHRISTINA M. HARTLEY-BOZE – Chairman Heath noted this is a type 210 transfer of ownership with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL79-23987 CASEY'S MARKETING COMPANY – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL54-23960 BHATTI BROS., INC. – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated there was a question at the local board as to whether the owner of the corporation was a five year resident.

Commissioner Guthrie moved to approve the application due to the fact that the application is made out in the name of the corporation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-14272 ARNOLD'S WINES, INC. – Chairman Heath noted this is a type 217 transfer of location and ownership with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfers. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-92410 CHAMPS SPORTS BAR & GRILL, INC. – Chairman Heath noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC45-03780 KI-YOWGA CLUB, INC. – Chairman Heath noted this is a type 211-1 renewal with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the sole reason for the local board's denial was due to the fact that the permittee had not paid a fine for a violation. The fine is now paid.

Commissioner Guthrie moved to overturn the local board and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC02-20357 AMVETS POST #55, INC. – Chairman Heath noted this is a type 211-4 transfer of location with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR82-23958 CASEY JONES – Chairman Heath noted this is a new type 112 with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL82-23851 MAC'S CONVENIENCE STORES, LLC – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to two (2).

Commissioner Guthrie stated there was no evidence in the record to warrant a disapproval of this new permit.

Commissioner Guthrie moved to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL82-23893 MAC'S CONVENIENCE STORES, LLC - Chairman Heath noted this is a new type 115 application with the local board voting two (2) to two (2).

Commissioner Guthrie stated there was no evidence in the record to warrant a disapproval of this new permit.

Commissioner Guthrie moved to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR07-24050 THE OLD GOLF CART CLUB, LLC – Chairman Heath noted this is a new type 209 application with the local board voting two (2) to two (2).

Commissioner Guthrie moved to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **INACTIVE FILES**

PERMITS MADE DEAD – Commissioner Guthrie moved to make thirty-seven (37) permits inactive. Thirty (30) permits are not subject to auction and seven (7) are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

No New Business

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

No Announcements

### **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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DAVE HEATH, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER